

Date: June 20, 2024  
To: Penny Postoak Ferguson, County Manager  
From: Thomas Franzen, Director of Treasury, Taxation and Vehicles  
Subject: Releasing Discriminatory Restrictive Covenants in Land Records

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### **Summary**

Kansas House Bill 2562, approved by Governor Kelly on April 19<sup>th</sup>, 2024, and effective July 1, 2024, authorizes the release of discriminatory restrictive covenants historically included in some land record documents to restrict who could occupy or purchase property based on factors such as race, religion, and national origin. K.S.A. 44-1016 and 44-1017, as well as federal law, already recognize these covenants as unlawful and unenforceable. The new bill offers current property owners and cities or counties the opportunity to formally release a property from discriminatory restrictive covenants. The bill requires home associations to remove restrictive covenants from governing documents by recording an amendment. The release or amendment supersedes the discriminatory language of the original document.

Current property owners can file a certificate of release of prohibited covenant for their land records. The fee to record the document is \$21 for the first page and \$17 per additional page. Homeowner's associations have 60 days from July 1 to amend their declarations or other governing documents to remove the unlawful restrictions. Amendments must be recorded in the Register of Deeds office within 10 days from the date of the homeowner's association's removal amendment.

More information on how to release a prohibited restrictive covenant can be found on the Johnson County Register of Deeds website or by emailing the office at [registerofdeeds@jocogov.org](mailto:registerofdeeds@jocogov.org).